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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/522,185	08/26/2005	David William Sheel	264240US2PCT	3653	
22850 7	590 10/06/2006		EXAMINER		
C. IRVIN MCCLELLAND			BERRY, RENEE R		
OBLON, SPIV	'AK, MCCLELLAND, 1	MAIER & NEUSTADT, P.C.			
1940 DUKE ST	TREET	ART UNIT	PAPER NUMBER		
ALEXANDRIA, VA 22314			1762		
			DATE MAILED: 10/06/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Appl	ication No.	Applicant(s)					
Office Action Summary		10/5	22,185	SHEEL ET AL.	`				
		Exar	niner	Art Unit					
			ee R. Berry	1762					
The MAILII Period for Reply	NG DATE of this commun	ication appears o	on the cover sheet	with the correspondence a	ddress				
WHICHEVER IS  - Extensions of time ma after SIX (6) MONTHS  - If NO period for reply i - Failure to reply within Any reply received by	LONGER, FROM THE N y be available under the provisions is from the mailing date of this comm	IAILING DATE O of 37 CFR 1.136(a). In nunication. atutory period will apply will, by statute, cause t	PF THIS COMMUNITY IN THE PROPERTY OF THIS COMMUNITY OF THIS COMMUN	a reply be timely filed  ONTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).					
Status									
1) Responsive	to communication(s) file	ed on							
2a) This action	This action is <b>FINAL</b> . 2b) This action is non-final.								
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claim	ıs								
4a) Of the a 5) ☐ Claim(s) 6) ☐ Claim(s) 7) ☐ Claim(s)	i-48 is/are pending in the bove claim(s) is/a is/are allowed is/are rejected is/are objected to. is/are subject to restric	re withdrawn from	·						
Application Papers									
· · · · · · · · · · · · · · · · · · ·	ation is objected to by th								
	(s) filed on is/are:								
• •	• • •		•	rance. See 37 CFR 1.85(a).	NED 4 4047 IV				
·	•		·	ng(s) is objected to. See 37 ( ed Office Action or form P					
Priority under 35 U.S	S.C. § 119								
a) All b) Certif 2. Certif 3. Copie applie	ment is made of a claim   Some * c)   None of: fied copies of the priority fied copies of the priority es of the certified copies cation from the Internation the detailed Office action	documents have documents have of the priority do anal Bureau (PC)	e been received. be been received in cuments have been Rule 17.2(a)).	Application No en received in this Nationa	ıl Stage				
Attachment(s)			•						
1) Notice of Reference	s Cited (PTO-892)		4) X Interview	w Summary (PTO-413)					
2) D Notice of Draftspers	on's Patent Drawing Review (Fire Statement(s) (PTO/SB/08)	PTO-948)	Paper N	o(s)/Mail Date If Informal Patent Application					

Application/Control Number: 10/522,185

Art Unit: 1762

## **DETAILED ACTION**

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 25-45 are, drawn to a method of depositing titania.

Group II, claim(s) 46-48 are, drawn to a substrate.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The method is considered suitable for coating a continuous film or a series of substrates supplied semi-continuously, which is shown by the PCT search report reference D1: Patent Abstracts of Japan vol. 2000, no. 14, 5 March 2001. Also, the determination of the plasma density is considered as an optimization of the known process. Therefore, the special technical feature lacks novelty.

A telephone call was made to Marvin Spivak on Friday, September 1, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renee R. Berry whose telephone number is (571) 272-1459. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Renee R. Berry August 31, 2006

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER